

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRANK VALENZUELA, JR.,

Plaintiff,

No. CIV S-04-0900 FCD DAD P

vs.

C. SMITH, M.D., et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with this action. Defendants' motion for summary judgment has been briefed and is submitted for decision. Pursuant to the court's December 27, 2004 scheduling order, the case is set for a pretrial conference on November 25, 2004, and jury trial on February 28, 2006.

Defendants were granted an extension of time to file their motion for summary judgment, and plaintiff was granted an extension of time to oppose the motion. Plaintiff subsequently filed an unauthorized reply to defendants' reply and has recently filed a motion for injunctive relief. The pending matters cannot be resolved prior to the date set for pretrial conference. Good cause appearing, the dates set for pretrial statements, pretrial conference, and jury trial will be vacated. If claims remain to be tried after defendants' summary judgment motion is resolved, new dates will be set at a later time.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Pretrial conference set for November 25, 2005, is vacated, along with the dates
3 set for filing pretrial statements and motions to obtain attendance of witnesses at trial; and

4 2. Jury trial set for February 28, 2006, at 9:00 a.m. before the Honorable Frank C.
5 Damrell is vacated.

6 DATED: November 8, 2005.

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9 DALE A. DROZD
10 UNITED STATES MAGISTRATE JUDGE

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